

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 110

Criminal Miscellaneous No.M-20003 of 2025**Date of Decision: April 09, 2025**Harpal Singh

..... PETITIONER(S)

VERSUSState of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Prateek Pandit, Advocate, for the petitioner.**SANDEEP MOUDGIL, J (Oral)**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in case FIR No.88 dated 28.07.2024 under Sections 115(2), 118(1), 118(2), 127(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 (Offence under section 118(2) BNS added later on), registered at Police Station, Majitha, District Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Jagir Kaur wife of late Bhag Singh, resident of Pandher Kalan, police station Majitha aged about 70 years mobile no.99157-00864 stated that I am resident of above said address and house wife. My husband Bhag Singh died about 04 years and I have five children, 02 are girls and 03 boys and all are married and have children. Our residence is situated in fields, where I live with my sons where the two other houses belong to Virsa Singh and Partap Singh, who are my brothers-in-law and they live with their families there. We have 06-1/2 acres joint land here, which is in the name of my husband Bhag Singh and his brothers Virsa Singh and Partap Singh. After the death of my husband Bhag Singh, the share of the land of my husband falls in the name of my three sons. Since no partition of this land has taken place there was a dispute between the three families on the pretext of irrigating the land and many times the respectable persons have got our compromise effected, but whenever it is time to sow paddy, there is a dispute. A common



motor installed in this land by the three brothers, but I had still got my own new borehole installed, in order to avoid the quarrel. On dated 22.07.2024 I was building the watercourse with my grandson Mehakpreet Singh and son Rashpal Singh in order to start my new borehole. This borehole is situated next to the haveli of my house. At about 11:00 AM, Partap Singh who is my brother-in-law came and starting cutting our watercourse with a spade. When I stopped him from cutting the watercourse then he started shouting. After hearing his shouting his son Harpal Singh armed with datar also came there and gave his datar blow on my grandson Mehakpreet Singh. I came forward to save him and the datar blow hit on the right back side of my head. At that moment, Partap Singh also gave the spade blow upon me from the side of the handle, which hit on my right shoulder, due to which I fell on the ground. My grandson and my son picked me up and brought me to home. Then Partap Singh and his son Harpal Singh again entered our house and threw bricks, due to which the glass of my lobby door broke and one of the brick hit the right leg of my daughter-in-law namely Rajwinder Kaur. Then we raised alarm (mar dita mar dita), then the father and son ran away from the spot. Then my son Rashpal Singh and grandson Mehakpreet Singh arranged the vehicle and got me admitted to civil hospital, where the doctor treated me and prepared the MLR. Statement has been recorded and heard and same is true. Legal action be taken against them. Sd/- Jagir Kaur Police proceedings:

Today I ASI was present at the police station when MHC handed over one MLR No. 345/PS/CHC/MJA/2024 of Jagir Kaur wife of late Bhag Singh R/o Pandher Kalan alongwith X-ray reports. In the same the doctor has mentioned two injuries out of which injury No. 1 has been mentioned as sharp and kept for X-ray and injury No. 2 has been mentioned as blunt and simple in nature. In the X-ray report and opinion injury No. 1 which is sharp has also been described as simple in nature. In order to record the statement of Jagir Kaur I, ASI alongwith constable Harsimranjit Singh 1363 Amritsar (Rural), L/CT Jaskaran Kaur 9/844, PHG Sakattar Singh 3020 alongwith laptop and printer on private vehicle reached the house of injured at village Pandher Kalan. There the statement of injured Jagir Kaur was recorded. From the investigation conducted at the spot by me and statements and from MLR and X-ray report prima facie offence U/s 115 (2), 118 (1), 127 (1), 3 (5) BNS is made out. The statement has been sent through PHG Sakattar Singh 3020 to P.S. for registration of case. Number of the case be informed after registering the same. Control room be informed through wireless and officers be informed. I ASI alongwith fellow officials am busy with investigation at the spot. Today in the area of village Pandher Kalan at 7:20 PM. Sd/- Harjinder Singh ASI, P.S. Majitha dated

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28.07.2024. Today at police station: At this time above statement has been received and case under aforesaid sections has been registered and original statement alongwith copy of FIR is being sent through same PHG to ASI at the spot. Control room has been informed through wireless. Compliance report No. 27 at 8:05 PM.”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He further submits that the dispute which revolves around the land owned by the parties, is among the close relatives as the complainant is real sister in law of the petitioner's elder brother Bhag Singh. The prosecution story is false and fabricated. It is further contention that there is unexplained delay of six days in lodging the FIR. There is nothing to be recovered from the petitioner. Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On the asking of the Court, Mr. Jastej Singh, DAG Punjab, accepts notice on behalf of the respondent-State and Mr. Kulwinder S. Dhillon, Advocate, has filed memo of appearance on behalf of the complainant.

On behalf of the State as well as complainant

Learned counsel for the State as well as the complainant have opposed the prayer for grant of concession of anticipatory bail stating that the petitioner is specifically named in the present FIR and the weapon used by the petitioner is yet to be recovered.

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4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that the dispute is related to some land and is between the close relatives and the injury attributed to the petitioner is found to be simple in nature and also considering the fact that there is unexplained delay of six days in lodging the FIR, this Court finds no reason to deny the petitioner the concession of anticipatory bail, and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
Judge

April 09, 2025
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>